

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WAYNE L. PICKERING,

No. C-10-4616 TEH (PR)

Plaintiff,

v.

ORDER OF DISMISSAL

JOHN DOE,

Defendant.

On October 13, 2010, pro se prisoner Wayne L. Pickering filed a letter with the Court that discussed the medical care he received while a prisoner in the California Department of Corrections ("CDCR"). Doc. #1. The Court Clerk notified Plaintiff in writing at that time that because he neither filed a formal civil rights complaint under 42 U.S.C. § 1983 using the court-approved form nor did he pay the requisite \$ 350.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application, including a completed certificate of funds in his prison account and a copy of his prison trust account statement for the last six months obtained from the appropriate prison official,

1 the action was deficient. See 28 U.S.C. § 1915(a)(2). Plaintiff
2 was advised that failure to file the requested items within thirty
3 (30) days would result in dismissal of the action. Doc. ## 2 & 3.
4 On October 27, 2010, Plaintiff filed another letter with the Court,
5 explaining that although he wished to pursue a federal civil rights
6 action against CDCR he had not yet exhausted administrative
7 remedies. Doc. #4.

8 Almost fifty days have elapsed since Plaintiff was
9 notified of his filing deficiencies; however, he has neither
10 provided the Court with the requisite items nor filed a request for
11 an extension of time to do so. The action, therefore, is DISMISSED
12 without prejudice. Plaintiff is advised he may file a new action
13 using the appropriate court-approved forms after he has exhausted
14 administrative remedies.

15 The Clerk is directed to terminate all pending motions as
16 moot and close the file.

17
18 IT IS SO ORDERED.

19
20 DATED 12/1/10



THELTON E. HENDERSON
United States District Judge